

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|--|---|--------------------------------------|
| ROBERT W. WELSH, d/b/a BIG TEN DEVELOPMENT, |) | |
| |) | |
| |) | |
| Plaintiff, |) | Case No. 08 C 1342 |
| |) | |
| v. |) | Judge Joan B. Gottschall |
| |) | Magistrate Judge Susan E. Cox |
| BIG TEN CONFERENCE, INC., |) | |
| |) | |
| Defendants. |) | |
| |) | |

**RULE 37 MOTION TO ENFORCE
THIS COURT'S CASE MANAGEMENT ORDER**

Having been stonewalled in our attempts to advance this case as mandated by the Court's case management directives, plaintiff Welsh respectfully requests the entry of an order directing the Big Ten's counsel to comply with the mandates of Rule 26.

A status hearing is set for May 7th. On April 17th, Welsh filed an amended complaint to obviate unnecessary motion practice and the defendant was granted leave to file a motion to dismiss. During the appearance on April 17th, the Court made clear that pretrial matters including discovery were not foreclosed nor curtailed.

As evidenced by the attached e-mail communications (**Exhibits A and B**), the efforts of Welsh's counsel to get the ball rolling have simply been ignored and the defendant persists in delay.

Based on the foregoing, we respectfully request that an order be entered directing the Big Ten and its counsel to comply with this Court's directives and those of Rule 26.

Respectfully submitted,

**ROBERT W. WELSH,
d/b/a BIG TEN DEVELOPMENT**

By: /s/ Robert P. Cummins
One of His Attorneys

Robert P. Cummins
The Cummins Law Firm
77 West Wacker Drive, Suite 4800
Chicago, Illinois 60601
T: (312)578-0500
F: (312)578-1234